

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOELL REED,

Plaintiff,

v.

SOCIAL SECURITY DISABILITY,

Defendant.

2:11-cv-00564-PMP-LRL

REPORT & RECOMMENDATION

Plaintiff submitted an Application to Proceed *In Forma Pauperis* and a Complaint pursuant to 42 U.S.C. § 1983 (#1) on April 14, 2011. Upon granting his request to proceed *in forma pauperis*, this court screened the Complaint pursuant to 28 U.S.C. § 1915(a), finding that based on the substance of plaintiff's allegations, "it appears plaintiff is challenging a denial of an application for disability benefits under Titles II and/or XVI of the Social Security Act." After setting forth the relevant law, the court then explained that plaintiff had not established that his appeal was timely because he hadn't provided the date of the decision by the Appeals Council or the dates related to the application or applications for disability benefits and the denials related thereto. Plaintiff merely stated that the grievance "went all the way to Social Security Judicial hearing," and that the claim was denied. Complaint (#1) at 8. This court, therefore, dismissed the Complaint on April 29, 2011, and instructed plaintiff to amend the Complaint to cure the deficiencies listed by the court. Order (#2). *See Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1985). Plaintiff was warned that failure to adequately amend the Complaint by May 30, 2011, may result in dismissal. To date, plaintiff has not filed an amended complaint or any other paper.

RECOMMENDATION

Based on the foregoing, it is the recommendation of the undersigned United States Magistrate Judge that this case be dismissed with prejudice.

DATED this 20th day of June, 2011.



LAWRENCE R. LEAVITT
UNITED STATES MAGISTRATE JUDGE